THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No.21961 of 2006

Date:23-03-2007

Between:

Simhadri Lakshmi Narasimha Rao ..
PETITIONER

AND

The Agency Divisional Officer & Sub-Collector, Bhadrachalam and two others

..
RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents 1and 2 in initiating proceedings by issuing a letter dt.08.11.2004 by the 2nd respondent and consequential initiation of LTR case No.9/BCM/2004 as illegal and arbitrary.

2. It is stated that the petitioner is in peaceful possession and enjoyment of the premises bearing No. 12-2-16/A in Sy.No.121/13-B admeasuring 100 sq. yards. It is stated that the petitioner purchased the same on 15.12.1969.

3. While so, the Mandal Revenue Officer-Bhadrachalam-2nd respondent addressed a letter to the first respondent on 08.11.2004 stating that the Executive Offier,Township, Bhadrachalam reported that one J.John Mithra son of Devadanam sold the house bearing No.12-2-16/A in Sy.No.121/13p admeasuring 100 sq.yards and the petitioner is a non-tribal and constructing a house without any permission from the Executive Officer, Township, Badrachalam illegally and in violation of rules under A.P.Regulation Act,1/70.

4. Based on the said letter, the Agency Divisional Officer/sub-Collector, Badrachalam issued a notice, dated 12.09.2006 to the petitioner stating that the case L.T.R.No.9/BCM/2004 has been registered and the petitioner is called upon to appear before him on 28.09.2006.

5. With regard to the said case L.T.R.No.9/BCM/2004 said to have been pending on the file of the first respondent, the petitioner filed a memo dated 06.10.2006 to summon the Mandal Revenue Officer, Badrachalam so as to enable him to cross-examine him. Absolutely no reasons have been shown in the said memo for what purpose the Mandal Revenue Officer has to be summoned for the purpose of cross-examination. It is simply stated that the petitioner desires to cross-examine the Mandal Revenue Officer. As the petitioner in his memo not at all stated the purpose for summoning the Mandal Revenue

Officer and cross-examining him, I am of the opinion that the Mandal Revenue Officer cannot be summoned without disclosing any purpose. However, the learned counsel appearing for the petitioner submits that even though the memo does not disclose any reasons for summoning the Mandal Revenue Officer and cross-examination, it is stated that whenever any memo is filed, it is the duty of the Sub-Collector to consider and disposed of the same either rejecting or considering the request. I am of the opinion that each and every memo filed by the parties without any substance cannot be disposed of. However, if there is any illegality committed while passing final orders by the Sub-Collector, it is open for the petitioner to file an appeal.

The writ petition is accordingly dismissed. However, it is open for the petitioner to file an appropriate memo showing the purpose and reasons for summoning and cross-examining the Mandal Revenue Officer, Badrachalam. There shall be no order as to costs.

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V.ESWARAIAH, J.

Date:23.03.2007
CCM